

Application No.: 10/699957

Case No.: 58500US005

REMARKS/ARGUMENTS

Claims 1-19 are pending in the application. There are no amendments to the claims. No new matter has been added. Reconsideration of the claims is respectfully requested.

Applicant notes with appreciation that the Examiner accepts the drawings as filed.

Claim Rejections – 35 USC § 102

In paragraph 2 on page 2 of the Office Action, claims 1-5, 7-12 and 14-19 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,548,347 ("Melnik").

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir.1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir.1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain a rejection based on 35 U.S.C. §102. Applicant respectfully submits that Melnik does not teach every element of independent claims 1, 4 and 12 and therefore fails to anticipate independent claims 1, 4 and 12. Applicant believes current independent claims 1, 4 and 12 are in condition for allowance. Reconsideration, allowance, and notice to that effect are respectfully requested.

Melnik discloses a projection system in which light from a white light is separated into red, green and blue portions and shaped into largely horizontally-oriented bands. Scanning optics projects the red, green and blue bands onto a transmissive light valve panel with dark bands between them, and scans the bands vertically. When a band of a particular color exits the top (or

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bottom) of the screen, a new band of that color appears at the bottom (or top) of the screen, so that there is a continuous sweep of three colors across the panel. (column 2, lines 15-31)

Melnik does not disclose the limitation, "so that for each row of the display, the majority of the illumination light which impinges on that row as a result of the scan is in the last half of the cycle refresh period for that row", as recited by independent claims 1, 4 and 12.

Because not all the elements of independent claims 1, 4 and 12 are disclosed by the reference, independent claims 1, 4 and 12 are not anticipated by the reference, and are therefore in condition for allowance. Reconsideration, allowance, and notice to that effect are respectfully requested.

Dependent claims 2-3, 5, 7-11 and 14-19, which are dependent from independent claims 1, 4 and 12, were also rejected under 35 U.S.C. §102(b) as being unpatentable over Melnik. While Applicant does not agree with the particular rejections to these dependent claims, it is believed that these rejections are moot in view of the remarks made in connection with independent claims 1, 4 and 12. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent claims 2-3, 5, 7-11 and 14-19 are also in condition for allowance. Reconsideration, allowance, and notice to that effect are respectfully requested.

Claim Rejections – 35 USC § 103

In paragraph 4 on page 8 of the Office Action, claims 6 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Melnik in view of U.S. Patent No. 5,398,082 ("Henderson").

Three criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference, or combination of references, must teach or suggest all the claim limitations. MPEP § 2142. Applicant respectfully traverses the rejection since the prior art fails to disclose all the claim limitations and there would be no motivation to combine the references as proposed by the Examiner. Applicant believes current claims 6 and 13 are in condition for allowance. Reconsideration, allowance, and notice to that effect are respectfully requested.

As noted by the Examiner, Henderson discloses a movable optical element: "The three light bending elements 56, 58 and 60, each extending 120 degrees around the wheel, are positioned in a circular train, end to end, so that as the wheel rotates each in turn is interposed and moved in a circular path whose plane is perpendicular to the reading light axis". (column 5, lines 41-46)

As noted above, Melnik fails to teach or disclose the limitation, "so that for each row of the display, the majority of the illumination light which impinges on that row as a result of the scan is in the last half of the cycle refresh period for that row", as recited by independent claims 4 and 12. Henderson also fails to teach or suggest said limitation from independent claims 4 and 12. As a result, the combination of Melnik and Henderson cannot teach or suggest said limitation, and independent claims 4 and 12 are not unpatentable over Melnik in view of Henderson.

Dependent claims 6 and 13, which are dependent from independent claims 4 and 12, were rejected under 35 U.S.C. §103(a) as being unpatentable over Melnik in view of Henderson. While Applicant does not agree with the particular rejections to these dependent claims, it is believed that these rejections are moot in view of the remarks made in connection with independent claims 4 and 12. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent claims 6 and 13 are also in condition for allowance. Reconsideration, allowance, and notice to that effect are respectfully requested.

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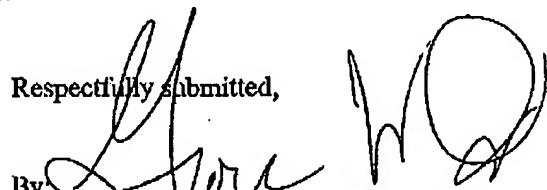
Conclusions

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. Applicant respectfully requests favorable reconsideration and early allowance of all pending claims.

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Respectfully submitted,

By


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